

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

BOBBY JAMES CAMACHO-ORTIZ

PLAINTIFF

V.

CASE NO. 5:15-CV-5218

**SERGEANT MICHELLE WALLACE; CORPORAL
CALEB KELLY; OFFICER NATE TUCKER;
OFFICER ZACHARY HALE; OFFICER CHRIS FOSTER;
OFFICER JAMES SMITH; OFFICER STEVEN SCOTT;
OFFICER JAMES SHARP; and SERGEANT
RANDALL McELROY**

DEFENDANTS

ORDER

Comes on for consideration the Report and Recommendation (Doc. 28) filed in this case on June 14, 2016, by the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Defendants' Motion for Summary Judgment (Doc. 19) is **GRANTED IN PART AND DENIED IN PART**. Specifically, with the agreement of the parties (1) the claims against Sergeant Michelle Wallace are dismissed without prejudice on the grounds that she could not be located to serve; (2) Plaintiff's claim that he was retaliated against and/or punished by being placed in administrative segregation is dismissed without prejudice; (3) all claims against Officer Steven Scott are dismissed with

prejudice; (4) all official capacity claims are dismissed with prejudice; and (5) all claims against Corporal Kelly, Officer Smith, Officer Foster, and Officer Tucker are dismissed with prejudice.

This leaves for later resolution the claims against Officer Hale (related to his conduct in cell E-224), Officer Sharp, and Sergeant McElroy.

IT IS SO ORDERED on this 26th day of July, 2016.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE